

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 05-11745RWZ

BARBARA DEIGHTON HAUPT, Trustee)
of BD REALTY TRUST,)
Plaintiff)
v.)
THE TOWN OF WAREHAM acting by)
and through the BOARD OF)
SELECTMEN OF THE TOWN OF)
WAREHAM, and the BOARD OF)
SELECTMEN OF THE TOWN OF)
WAREHAM,)
Defendants)

PLAINTIFF'S TRIAL WITNESS LIST

Plaintiff, Barbara Deighton Haupt, Trustee of BD Realty Trust, hereby submits her proposed witness list for trial as follows.

1. **Barbara Deighton Haupt** (Plaintiff) – Factual
3716 Sandspur Lane, Nokomis, FL 34275
2. **Alan C. Vautrinot, Jr.** – Factual
Vautrinot Land Surveying, Inc., P.O. Box 144, Plympton, MA 02367
3. **Forrest Emery** – Factual
P.O. Box 414, North Pembroke, MA 02358
4. **Lenore White** – Expert (wetlands)
Wetland Strategies, Inc., 5 Main Street Ext., Plymouth, MA 02360
5. **Bradley C. McKenzie, P.E.** – Expert (engineer/land surveyor)
McKenzie Engineering Group, 150 Longwater Drive, Norwell, MA 02061
6. **Michael S. Giaimo, Esq.** – Expert (zoning)
Robinson & Cole, One Boston Place, Boston, MA 02108

7. **Michael Mroz** – Factual
Endeavor Associates, 535 Boylston Street, 12th Floor, Boston, MA 02116
8. **Steven G. Elliott, SRA, MRA** – Expert (real estate appraiser)
Elliott, Gottschalk & Assoc. Inc., 78 Thomas Street, Ashland, MA 01721
9. **Luigi DiGioia** – Factual
178 Plantation Street, Worcester, MA
10. **Herb Voss** – Factual
38 Pleasant Street, Wareham, MA 02571
11. **Elizabeth Voss** – Factual
38 Pleasant Street, Wareham, MA 02571
12. **Philip Schwachman** – Factual
P.O. Box 646, Worcester, MA 01613
13. **Michael Hartman** – Factual
Town of Wareham, Memorial Town Hall, 54 Marion Road, Wareham, MA 02571
14. **David Pichette** – Factual
Town of Wareham, Conservation Agent, Old Town Hall, 505 Main Street,
Wareham, MA 02571
15. **Dennis Swartout** – Authentication
Director, Earth Sciences Information Center, UMASS Amherst, Amherst, MA
16. **Keeper of the Records, Wareham Zoning Board of Appeals** – Authentication*
Old Town Hall, 505 Main Street, Wareham, MA 02571
17. **Keeper of the Records, Wareham Town Planner** – Authentication*
Old Town Hall, 505 Main Street, Wareham, MA 02571
18. **Keeper of Records, Plymouth Co. Conservation District** - Authentication*
(1952 aerial photo)
15 Cranberry Highway, Wareham, MA 02576
19. **Joseph Melanson** – Authentication (1991 and 2005 aerial photos)*
Aerials Only, 801 Main Street, Wareham, MA 02571
20. **Joyce DeWolf** – Authentication (1977 aerial photos)*
Aerial Surveys, P.O. Box 12554, Rochester, NY 14612

21. **Matt Dacey** – Factual**
Champion Builders, 600 Oak Street, Pembroke, MA
22. **Patrick Mulligan** – Factual**
PACOR, 110 Hodges Pond Road, Plymouth, MA
23. **John Druley** – Factual**
49 Locust Street, Falmouth, MA
24. **Watie Akins** – Factual**
address to be provided

* Witnesses # 16-20 will only be called in the event that Defendants are not willing to stipulate as to the authenticity of certain exhibits Plaintiff proposes to offer.

** Witnesses # 21-24 will only be called in the event that this Court rules that a nonprofit recreational beach club is not an allowed use under the Wareham Zoning Bylaw.

The foregoing list does not necessarily reflect the order in which Plaintiff intends to call the witnesses. Plaintiff reserves the right to call rebuttal witnesses at trial that do not appear on this list.

Date: 3/26/2007

BARBARA DEIGHTON HAUP,
Trustee of BD REALTY TRUST,
By her attorneys,

/s/ Kristen M. Ploetz
Jeffrey T. Angley, Esq.
B.B.O. #543958
Kristen M. Ploetz, Esq.
B.B.O. #654549
Phillips & Angley
One Bowdoin Square
Boston, MA 02114
(617) 367-8787

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 26th day of March, 2007.

/S/ Kristen M. Ploetz
Kristen M. Ploetz, Esq.